



This Week in New York

Covering New York State and City Government
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“Obstacles don't define us. Rather, it is the unparalleled courage and character of us that defines us as a people. So my confidence in the future is steeped in our glorious past - in the face of adversity, we always persist. We persevere, we prevail.” Governor Kathy Hochul

In the News-New York State

2023 NYS Legislative Session

JUNE						
S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Crunch Time

noun: *a critical moment or period (as near the end of a game) when decisive action is needed*

Source: Merriam-Webster

With four days remaining until the scheduled end of the 2023 legislative session, next week will see a maelstrom of activity as legislators make their last stand for their initiatives.

To date, the Senate and Assembly have given two-house approval to 336 bills. One hundred forty-eight initiatives passed between January and the adoption of the budget in early May. During the weeks following the budget passage, 5, 20, and 26 bills respectively gained two-house approval before the Memorial Day holiday. One hundred twenty-seven bills passed both houses this week.

If the Legislature follows years past, it could easily double the number of proposals to be sent to Governor Kathy Hochul before the close of session (more if they stay into the weekend). In 2022, the Senate and Assembly passed 1010 initiatives (3 were passed outside of the scheduled session), 448 in the last week. To follow is a selection of the legislative activity to date:



Chapters of the Laws of 2023

Chapter 128 (AM Paulin/Senator Stavisky) – Authorizes a licensed pharmacist may execute a non-patient specific order for the dispensing of self-administered hormonal contraceptives prescribed or ordered by the Commissioner of Health, a physician, or a nurse practitioner.

Chapter 129 (AM Epstein/Senator Cleare) – Provides access to medication abortion prescription drugs at the State University of New York and the City University of New York.

Chapter 131 (AM Paulin/Senator Addabbo) – Clarifies the designation of the animal shelter regulation fund.

Chapter 135 (AM Peoples-Stokes/Senator Hinchey) – Provides a one-year extension to the conditional adult-use cultivator license and the conditional adult-use processor license.



Bills Passed by Both Houses of the Legislature



A458 AM Epstein/Senator Hoylman-Sigal – Provides a deceased tenant's legal representative the option to terminate such tenant's lease upon notice to the landlord.

A1153A AM Vanel/Senator Sanders – Relates to unregistered and unlicensed mortgage brokers.

A3694A AM Rosenthal D/Senator Stavisky – Requires colleges to adopt and implement a plan providing for the investigation of hate crimes on campus.

A4456 AM Bores/Senator Griffo – Raises the maximum fine for persons who violate the law regulating telemarketing to twenty thousand dollars (from \$11,000).

A4899 AM Dinowitz/Senator Hoylman-Sigal – Authorizes the Chief Administrator of the Courts to require and provide annual training regarding bail, recognizance, and commitment procedures and standards.

A5772 AM Lavine/Senator Hoylman-Sigal – Allows any person to submit an affirmation under penalty of perjury in lieu of an affidavit.

A5821A AM Lavine/Senator Skoufis – Allows 15-year-olds to serve as lifeguards at swimming pools and summer camps when under direct supervision.

A6291A AM Burdick/Senator Stewart Cousins – Establishes emergency evacuation plan for individuals with disabilities in high rise buildings; and establishes \$500 fine for knowing violations of such standards.

A6807 AM Woerner/Senator Chu – Includes digital materials in the definition of school library materials.

A6830 AM Burdick/Senator Mannion – Allows an individual with disabilities or a disabled veteran to hold full-time or part-time positions for purposes of eligibility for recruitment for state employment.

A6856 AM Pheffer-Amato/Senator Jackson – Confirms the suspension or demotion upon the abolition or reduction of non-competitive or labor class positions in the state service with such treatment for competitive class positions.

A6857 AM Fall/Senator Lanza – Extends, until December 31, 2024, the authorization of residential property owners in high-risk brush fire areas on Staten Island to cut and remove reeds.

A7155 AM Pheffer-Amato/Senator Jackson – Provides for crediting of probationary service when a person appointed provisionally receives a permanent appointment to the same title.

A7157 Pheffer-Amato/Senator Jackson – Provides that private employers must provide home addresses of all employees of a bargaining unit to employee organizations.

S57 Senator Harckham/AM Shimsky – Enacts the "STAR credit bill of rights" and establishes the office of STAR ombudsman.

S1369 Senator Kennedy/AM Magnarelli – Continues the Stretch Limousine Passenger Safety Task Force's operation through December 31, 2024.

S5512 Senator Rivera/AM Paulin – Enacts the lead pipe right to know act.

S608C Senator Salazar/AM Reyes – Adds medicine to the list of goods and services that can be classified as possibly being subject to price gouging.

S636A Senator Comrie/AM Paulin – All private sector employers with 100 or more employees and federal contractors with 50 or more employees to report certain data regarding the gender, race and ethnicity of their employees.

S2473A Senator Stavisky/AM Peoples-Stokes – Requires that a majority of the ownership of a professional service corporation formed to lawfully engage in the practice of public accountancy as a firm are individuals licensed to practice public accountancy in some state; enacts similar provisions for partnerships and LLCs.

S2599 Senator Hoylman-Sigal/AM Carroll – Establishes a dyslexia and dysgraphia task force.

S4597 Senator Martinez/AM Conrad – Excludes indebtedness for the construction of sewage facilities contracted prior to 2034 in determining current local debt limitation.

S5486 Senator Jackson/AM Pheffer-Amato – Requires civil service examination announcements to be issued to the local board of cooperative educational services (BOCES), high schools, colleges, universities, local social services districts, and job training programs.

S6444 Senator Thomas/AM Lavine – Relates to extending the authority for Nassau County to impose (i) a hotel and motel tax; (ii) a surcharge on tickets to places of entertainment in the County; (iii) a charge for searching and copying police accident reports and photographs; and (iv) charges for services rendered by the Nassau County Traffic and Parking Violations Agency.

In the News-New York City



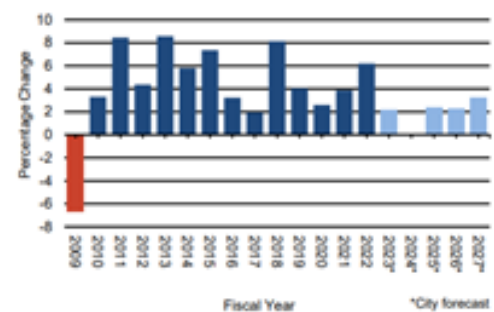
Comptroller DiNapoli: Strong Tax Collections and New Savings Initiatives Boost NYC's Short-Term Finances

Stronger-than-anticipated revenue and savings initiatives will allow New York City to maintain budget balance in the coming fiscal year, but the City faces significant financial pressures that are likely to exacerbate already large out-year budget gaps, according to a [report on the City Fiscal Year \(FY\) 2024 Executive Budget](#) released this week by State Comptroller Thomas DiNapoli.

“The City’s economy continues to show resilience, supporting relatively strong revenues in the near-term,” Comptroller DiNapoli explained. “Still, the City faces considerable challenges, including costs to assist asylum seekers and fiscal cliffs for several programs...the City should leverage short-term revenue strength and deposit more funds into its reserves to better weather the years ahead.”

Comptroller DiNapoli’s report notes that the FY 2024 budget sees the City returning to a revenue composition that more closely resembles pre-pandemic norms. City funds make up 72.1% of total revenues, the largest share since FY 2020. Federal funding is anticipated to decline to \$10.4 billion in FY 2024 (from \$11.7 billion in FY 2023) and decline to pre-pandemic levels by FY 2025. Continued strength in tax collections has led the City to raise projections with an estimated \$3 billion surplus to carry into FY 2024, the Comptroller indicated. The reported surplus could increase given continued better-than-anticipated tax collections since the release of the City’s April financial plan. The City also raised its tax revenue projections by at least \$2 billion in each of fiscal years 2024 through 2026 and about \$4 billion in FY 2027.

Annual Percent Change in Tax Revenues



Note: Includes revenue from tax audits.
Sources: NYC Office of Management and Budget; OSC analysis

Still, the City projects budget gaps of \$4.2 billion in FY 2025, \$5.9 billion in FY 2026, and nearly \$7 billion in FY 2027.

The City's largest cost, personal services, has been updated to reflect recent collective bargaining agreements with District Council 37 and the Policeman's Benevolent Association. The Comptroller noted that the City has set aside an additional \$16 billion through FY 2027 for these costs, which increased out-year gaps but also resolved a major source of fiscal uncertainty. These costs will be partially offset by the higher projected revenue and the City's reinstatement of its Program to Eliminate the Gap (PEG), which identified recurring savings of \$3 billion beginning in FY 2025.

Comptroller DiNapoli's report notes the City faces significant ongoing and new operational challenges that are not included in its budget gap projections, including the cost of services for asylum seekers. The City significantly altered its assumptions for these costs in FY 2023, increasing current year expenditures to \$1.4 billion (from \$1 billion), while forgoing its expectation that the federal government will fund the associated costs in the current year. The financial plan also includes a \$2.9 billion expense in FY 2024 and \$1 billion in FY 2025 to manage services to asylum seekers. While the State has budgeted \$1 billion for the City, there are still risks for receiving an anticipated \$600 million of federal support in FY 2024 and \$290 million from the state in FY 2025.

Comptroller DiNapoli's report also notes the state budget, which was released after the April Plan, will result in costs unanticipated by the City amounting to more than \$500 million annually beginning in FY 2025 for funding the MTA and changes to the way the state passes on Medicaid savings.

Overall, OSC-identified risks could increase budget gaps to \$8.4 billion in FY 2025 growing to \$12.3 billion in FY 2027. These gaps also do not include the potential fiscal impact of a new package of bills for housing vouchers (city FHEPs), or funding for discretionary programs which face "fiscal cliffs" that could reach \$2.4 billion and \$1.8 billion in FY 2027, respectively.

Briefs

New York Cannabis Control Board Votes to Settle Suit Blocking Retail Dispensary Awards

***Settlement Will Allow Conditional Adult Use Cannabis Retail Licenses (CAURD) to be
Awarded in the Finger Lakes Region***

The New York State Cannabis Control Board this week voted to allow the Office of Cannabis Management (OCM) to reach a settlement in a federal suit which had prevented the opening of retail dispensaries in certain areas of the State. The settlement will allow CAURD licenses to be awarded in the final restricted area—the Finger Lakes.

In November a federal judge issued a temporary injunction against the licenses being awarded in five areas around the State, including Brooklyn, Western New York, Mid-Hudson Valley, Central New York, and the Finger Lakes in response to a lawsuit by Variscite NY One. The U.S. Second Circuit Court of Appeals in March narrowed the injunction to the Finger Lakes area.

OCM Board members and officials continue to finalize the settlement agreement with Variscite.

"Today, the board voted to authorize the Office of Cannabis Management to make settlement," Aaron Ghitleman, spokesman for the Office of Cannabis Management, said in a statement. "When it's finalized, we'll have more to share."

Variscite NY One filed suit last year to challenge provisions of the law and New York's Conditional Adult-Use Retail Dispensary program that prioritized issuing the first 150 retail licenses to justice-involved New Yorkers.

"I am relieved and pleased that the State Office of Cannabis Management has reached a settlement in the Variscite lawsuit," said Senator Jeremy Cooney (D Rochester), who chairs the Senate's Cannabis Subcommittee. "Hopefully, we can put this roadblock for the Finger Lakes Region behind us and focus on creating safe and legal access to recreational cannabis for adults in Greater Rochester."

TWU Local 100 & MTA Agree to Tentative Three-Year Contract

The Transport Workers Union (TWU) Local 100 and the Metropolitan Transportation Authority (MTA) this week announced a tentative renewal contract for the union's almost 40,000 members.

The contract, which would run from May 2023 to May 2026, is subject to ratification by the TWU Local 100's members and the MTA Board of Directors.

"These victories, and others you will see in this package, were not easily obtained," TWU Local 100 President Richard Davis said. "The MTA took a hardline stance, not wanting to give an inch of ground on wages or benefits. In fact, the MTA wanted us to pay for our own raises and contract improvements through significant concessions and givebacks, including doubling our paycheck deductions for healthcare from 2% to 4%, and expanding OPTO with the removal of Conductors from trains. Those demands were defeated."

SUNY/CUNY Offering Automatic Acceptance in Community Colleges to New York's High School Seniors

In the coming days, the State University of New York will be sending a letter to 125,000 graduating New York State students outside of New York City — confirming they have been automatically accepted at their local community college to attend this fall.

CUNY announced earlier this month that it is partnering with the New York City Public Schools to send 65,000 seniors on pace to graduate personalized letters welcoming them to CUNY. The letters will lay out their college options at CUNY and invite them to submit a CUNY application.

SUNY and CUNY are also helping students with their financial aid questions through tutorials and multiple points of contact. The federal government's Free Application for Federal Student Aid ([FAFSA](#)) is open for students to apply. In addition, the [New York State's Excelsior Scholarship](#) application, which opened on May 23, is accepted through August 31, 2023.

According to the NYS Education Department, 175,886 New Yorkers graduated high school in 2022.

Mayor Adams, DC 37 Announce Launch of Flexible Work Pilot for City Employees

New York City Mayor Eric Adams and District Council 37 (DC 37) Executive Director Henry Garrido this week announced the launch of a flexible work pilot program for City employees. The flexible work pilot agreement, signed May 31st, allows eligible employees to work remotely for up to two days per week.

Under the contract agreement between the City and DC 37, the parties agreed to establish a Work Flexibility Committee to discuss work flexibility and other measures to enhance employee morale, and increase recruitment and retention.

The City will work closely with DC 37 on implementation at the agency level. Employee participation in the pilot is strictly voluntary. The City and DC 37 have also agreed to continue meeting to discuss alternative work flexibility measures for those employees whose job functions are not eligible for remote work.

The program will run until May 31, 2025, and will be renewed for the next year if both parties agree.

Deputy Mayor Maria Torres-Springer to Take on Expanded Portfolio

New York City Mayor Eric Adams this week announced that Deputy Mayor Maria Torres-Springer will serve in a newly expanded role as Deputy Mayor for Housing, Economic Development, and Workforce.

Under the new role, the Deputy Mayor will also oversee New York City Housing Authority, Department of Housing Preservation and Development, Housing Development Corporation, and Housing Recovery Office. She also oversees the Department of City Planning and the New York City Economic Development Corporation (EDC).

In her expanded role, Deputy Mayor Torres-Springer will direct the City's efforts to preserve and improve the New York City Housing Authority (NYCHA), move New Yorkers experiencing homelessness into stable housing, and advance Mayor Adams' goal of creating 500,000 new homes for New Yorkers over the next decade.

Coming Up

New York State

Monday, June 5th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, 2 p.m.

Senate Session, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

Tuesday, June 6th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, TBD

Wednesday, June 7th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, TBD

Thursday, June 8th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, TBD

New York City

Monday, June 5th

Committee on Finance, Council Chambers, 9 a.m.

Committee on Fire and Emergency Management, Committee Room, 10 a.m.

Oversight - EMS Career Paths and FDNY Promotional Opportunities.

Tuesday, June 6th

Joint - Committee on Housing and Buildings & Governmental Operations, Council Chambers, 1 p.m.

Oversight – Vacant and Neglected Properties.

Wednesday, June 7th

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Council Chambers, 10 a.m.

Oversight - The Schomburg Center and the Role of Libraries and Cultural Organizations in Preserving New York City's History.

Committee on Technology, Council Chambers, 1 p.m.

Oversight - LinkNYC: Deployment of 5G Infrastructure and Wi-Fi Connectivity across the City.

Committee on Governmental Operations, Committee Room - City Hall, 1 p.m.

Oversight - Improving Voter Turnout in Municipal Elections.

Thursday, June 8th

Committee on Finance, Committee Room - City Hall – VOTE, 11 a.m.

City Council, Council Chambers - City Hall, 1:30 p.m.

Friday, June 9th

Joint - Committee on Public Safety & Oversight and Investigations, Council Chambers, 10 a.m.

Oversight - Examining the Impact of the NYPD Erie Basin Storage Facility Fire.

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